



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/696,042

10/29/2003

Maya Benson

CE00532UM

6040

20280 7590 02/19/2009

MOTOROLA INC  
600 NORTH US HIGHWAY 45  
W4 - 39Q  
LIBERTYVILLE, IL 60048-5343

EXAMINER

RAMPURIA, SHARAD K

ART UNIT

PAPER NUMBER

2617

NOTIFICATION DATE

DELIVERY MODE

02/19/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DOCKETING.LIBERTYVILLE@MOTOROLA.COM  
ADB035@Motorola.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* MAYA BENSON and MICHAEL D. KOTZIN

---

Appeal 2009-3128  
Application 10/696,042  
Technology Center 2600

---

Mailed: February 17, 2009

---

Before DALE M. SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On August 1, 2007, Appellants filed a Notice of Appeal. On February 10, 2009, counsel for the Appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR ' 1.114. Pursuant to the notice entitled ARequest for Continued Examination Practice and Changes to Provisional Application Practice,@ 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR ' 1.114(d), a request for continued examination under 37 CFR ' 1.114 filed after appeal has been taken, but prior to a decision on the appeal, Awill be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.@

Appeal 2009-3128  
Application 10/696,042

Accordingly, it is

ORDERED that the appeal filed August 1, 2007 is dismissed. The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

tdl

MOTOROLA INC  
600 NORTH US HIGHWAY 45  
W4 - 39Q  
LIBERTYVILLE IL 60048-5343LOS ANGELES, CA 90067